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Air Pollution Regulations in State Implementation Plans: California, San Luis Obispo County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

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Office of Air Quality
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Research Triangle Park NC 27711

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Air

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Air Pollution Regulations in State Implementation Plans:

California

San Luis Obispo County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

San Luis Obispo County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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Publication No. EPA-450/3-78-054-34

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA - APPROVED REGULATION CHANGES

SAN LUIS OBISPO COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regulations unless otherwise specified.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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DECLARATION OF POLICY

It is the public policy of San Luis Obispo County Air Pollution Control Board that deterioration of environmental quality through the emission of land, water or air pollutants within the boundaries of San Luis Obispo County be controlled to promote the continued enjoyment of property for all permitted land uses to the optimum degree consistent with continued economic, social and physical growth and development.

(2.0) RULE 10. TITLE.

These rules and regulations shall be known as the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

REGULATION 1 - AIR POLLUTION CONTROL

(1.0) RULE 100. DEFINITIONS.

1. Except as otherwise specifically provided in this Regulation 1 and except where the context otherwise indicates, words used in this Regulation 1 are used in exactly the same sense as the same words used in Chapter 2, Division 20 of the Health & Safety Code.

2. PERSON. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.

3. BOARD. "Board" means the Board of Supervisors of San Luis Obispo County acting as the Air Pollution Control Board of the San Luis Obispo County Air Pollution Control District.

4. CONTROL OFFICER. "Control Officer" means the Health Officer of San Luis Obispo County, acting as Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District.

5. DISTRICT. "District" means the San Luis Obispo County Air Pollution Control District.

6. HEARING BOARD. "Hearing Board" means a three member board appointed by the Air Pollution Control Board of San Luis Obispo County pursuant to Section 24225 and 24226 of the California Health & Safety Code with the powers and duties prescribed for Hearing Boards in Chapter 2, Division 20, and in Part 1, Division 26, of the California Health and Safety Code.

7. SECTION. "Section" means a Section of the Health & Safety Code of the State of California unless some other statute is specifically mentioned.

8. RULE. "Rule" means a rule of the San Luis Obispo County Air Pollution Control District.

9. REGULATION. "Regulation" means one of the major subdivisions of the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

10. SUBSECTION. "Subsection" means a subsection of a rule of the San Luis Obispo County Air Pollution Control District.

11. ATMOSPHERE. "Atmosphere" means the air that envelopes or surrounds the earth. Where air contaminants are emitted into a building or structure not designed specifically as a piece of air pollution control equipment, such emission into the building or structure shall not be considered as emission into the atmosphere, unless such emission subsequently is released or permitted to escape from the building.

12. STANDARD CONDITIONS. As used in this Regulation 1, standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of any analyses and tests shall be calculated to and reported at this gas temperature and pressure.

13. "AIR CONTAMINANT" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

14. PARTICULATE MATTER. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

15. TOXIC MATERIAL. "Toxic Material" means any material for which a Threshold Limit Value has been established or any material that can cause any of the effects listed in Subsection 3b and 3c of Rule 116.

16. THRESHOLD LIMIT VALUE. "Threshold Limit Value" means any limit adopted or recommended by the American Conference of Government Industrial Hygienists for occupational exposures.

17. COMBUSTION CONTAMINANTS. "Combustion Contaminants" are solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

18. PROCESS WEIGHT. "Process Weight" means the total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered a part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof excluding any time during which equipment is idle.

19. AGRICULTURAL WASTES AND BURNING.

    a. Agricultural Wastes:

    "Agricultural Wastes" are defined as unwanted or unsaleable materials produced wholly from agricultural operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood.

    b. Agricultural Burning:

    "Agricultural Burning" means open outdoor fires used in agricultural operations (in the growing of crops or raising of fowls or animals, forest management, or range improvement).

    c. A "no-burn" day means any day on which the Air Resources Board prohibits burning of agricultural wastes.

    d. A "burn" day means any day on which the Air Resources Board does not prohibit burning of agricultural wastes.

20. OPEN OUTDOOR FIRE. "Open Outdoor Fire" means any combustion of combustible material of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.

21. HOUSEHOLD RUBBISH. "Household Rubbish" means waste material and trash, including garden trash and prunings, normally accumulated by a family in a residence in the course of ordinary day-to-day living.

22. COMBUSTIBLE REFUSE. "Combustible Refuse" is any combustible waste material containing carbon in a free or combined state.

23. REDUCTION. "Reduction" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

24. CONTAINING DEVICE. "Containing Device" means any stack, duct, flue, oven, kettle, or other structure or device which so contains an air contaminant, or a gas stream which contains or may contain an air contaminant, as essentially to prevent its entering the atmosphere except through such openings as may be incorporated for emission purposes.

    a. MULTIPLE CHAMBER INCINERATOR. "Multiple Chamber Incinerator" means any equipment, article, machine, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of material to be burned.

    b. ORCHARD OR CITRUS GROVE HEATERS. "Orchard or Citrus Grove Heater" means any article, machine, equipment or other contrivance burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

    c. "SINGLE SOURCE" means any single stack, duct, flue, structure, device, or operation which is capable of emitting air contaminants into the atmosphere.

    d. OIL-EFFLUENT WATER SEPARATOR. "Oil Effluent Water Separator" is any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

25. REDUCED SULFUR COMPOUNDS. "Reduced Sulfur Compounds" means sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of total reduced sulfur compounds.

(2.0) RULE 101. EFFECTIVE DATE.

This Regulation 1 shall take effect on 26 May 1971. Future amendments to this Regulation 1 shall take effect on the dates specified therein or as specified in the order by which they are adopted.

1. a. Except in the case of a nuisance, a reasonable time for compliance with this Regulation 1, shall be allowed by the Hearing Board for existing equipment whenever the lack of compliance is a result of: (1) an adoption or change in this Regulation 1 or in any of the Rules therein, in the statutes or regulations of the State of California, or in the laws or regulations of the United States of America, or (2) the installation of a source by another person; provided that persons responsible for any emission not in compliance with this Regulation 1, for any of the reasons stated above in this subsection shall submit reports to the Hearing Board at its request which are acceptable to it, and which give the expected time for compliance, the intended methods of compliance, and the progress towards compliance. The general policies leading to compliance with this Regulation 1 shall be administered by the Control Officer.

   b. The Hearing Board shall prescribe all conditions of compliance in writing which shall be transmitted in sufficient time for the person to comply with the time period prescribed by the conditions.

2. The term "Time for Compliance" as used in this Rule shall include each of the following: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. If suitable control technology has not been developed, "Time for Compliance: shall also include a reasonable time for developing suitable control technology, provided that the persons responsible for the emissions make every reasonable effort to minimize said emissions. The Hearing Board may require such periodic reports be submitted to the Control Officer on each phase of progress toward compliance as may be necessary to show reasonable progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance.

3. In the event any such time limit expired without compliance the Hearing Board may, pursuant to Health & Safety Code Section 24260.5, issue an Order for Abatement. The Order for Abatement shall specify the date and time such Order shall take effect, and the person operating said use shall, by said date, abate said emission.

4. Willful negligence or intentional non-compliance related to this Rule 101 shall be subject to the enforcement provisions of Rule 199 of this Regulation.

(7.0) RULE 102. BREAKDOWNS AND UPSET CONDITIONS.

Except in the case of a nuisance, the Control Officer may stay enforcement action whenever the lack of compliance is a result of a breakdown or an upset condition in the equipment emitting the contaminant, provided that the persons responsible for the emissions notify the Control Officer immediately and submit such reports as the Control Officer may request, said reports including evidence that reasonable efforts were made to prevent the breakdown or upset condition when it occurred, and that additional efforts will be made to prevent future breakdowns or upset conditions. Additional efforts can include, but need not be limited to new equipment, additional preventive maintenance, and improved operating techniques.

AIR CONTAMINANTS

(2.0) RULE 110. PROHIBITIONS.

1. Prohibitions Under State Law. The Provisions of the Health & Safety Code of the State of California shall, in addition to those listed hereunder, be enforced by the Control Officer and all Officers indicated by Article 2, Chapter 2, Division 20 of said Code. These provisions include but are not limited to Article 3 of Chapter 2 of Division 20 and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26 of said Code.

2. This Rule is not intended to preclude the enactment or enforcement of any Rule stricter than the provisions mentioned above. Further, nothing in this Regulation 1 is intended to permit any practice which is a violation of any Statute, Ordinance, Rule or Regulation.

3. All applicable Rules of this Regulation 1 shall be applied to any source of contamination. Wherever in this Regulation 1 a Rule makes a requirement for emissions, and other provisions of this Regulation 1 are less restrictive as to emissions under certain conditions or operations, violation of the most restrictive requirement shall be a violation of this Regulation 1 unless the person responsible for the emission shall establish that a less restrictive part of this Regulation 1 applies in the specific case.

(50.7) RULE 111. NUISANCE.

A person, firm, corporation or company shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons, employees, or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or

which cause or have a natural tendency to cause injury or damage to business or property.

(50.1.2)RULE 112. VISIBLE DISCHARGES.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

1. As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 1 of this Rule.

3. Exception: Each of the following is a separate exception to the Subsections 1 and 2 or this Rule:

   a. A fire set by or permitted by public officer, if such fire has been authorized by the Control Officer and is in the performance of the official duty of such Public Officer, and such fire in the opinion of such Public Officer is necessary for any of the following:

      (1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means;

      (2) The instruction of public employees in the methods of fighting fires;

   b. Fires permitted by the Control Officer on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

   c. Fires authorized for agricultural burning for disposal of agricultural waste, as defined in Rule 100, Subsection 19.b., and pursuant to Rule 117.

   d. Fires permitted by the Control Officer related to the use of farm equipment in agricultural operations.

   e. Any other fire permitted by the Control Officer in the performance of official duty, if such permission is given for the purpose of right-of-way clearing by a public entity or utility, levee and ditch maintenance, or the prevention of a a fire hazard, which fire is, in the opinion of such official,

necessary. Such authorization shall be predicated upon guidelines for meteorological data promulgated by the Air Resources Board of the State of California establishing the conditions for burning.

f. Fires used only for cooking or food for human beings or for recreational purposes.

g. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide, or water vapor is emitted under all operating conditions.

h. Wet or Dry Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of this Rule 112, said Rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provision.

i. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.

j. The abatement of fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12 of the Health and Safety Code.

(50.1) RULE 113. PARTICULATE MATTER.

1. A person shall not discharge from any single source whatsoever particulate matter in excess of 0.3 grains per cubic foot of gas as measured at standard conditions over a period of one hour.

2. A person shall not discharge in any one hour from any source whatsoever particulate matter as measured at standard conditions in excess of the amount shown in Table 1.

3. To use Table 1, take the process weight per hour as such is defined in Subsection 18 of Rule 100. Then find this figure in the table and the number to the right is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1,500 lbs., by 3 giving a process weight of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between the figures in the left hand column, the exact weight of permitted discharge may be interpolated.

4. Combustion Contaminants: A person shall not discharge combustion contaminants, as measured at standard conditions from any single source, in excess of 0.3 grains per cubic foot of gas corrected to 3% oxygen, on a wet basis, except during the start of an operation or change in energy source during the time necessary to bring the combustion process up to operating level. With respect to the measurement of combustion contaminants from incinerators used to dispose combustible refuse by burning, the correction shall be to 6%, rather than 3% oxygen on a dry basis, and as if no auxiliary fuel had been used.

5. Exceptions: Each of the following is a separate exception to Subsection 1, 2, 3, and 4 of this Rule:

   a. Mobile equipment used solely in agricultural operations

   b. Motor vehicles

   c. Self propelled earthmoving equipment.

TABLE 1

*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)	*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)
50.....	.24	1100.....	2.97
100.....	.46	1200.....	3.12
150.....	.66	1300.....	3.26
200.....	.85	1400.....	3.40
250.....	1.03	1500.....	3.54
300.....	1.20	1600.....	3.66
350.....	1.35	1700.....	3.79
400.....	1.50	1800.....	3.91
450.....	1.63	1900.....	4.03
500.....	1.77	2000.....	4.14
550.....	1.89	2100.....	4.24
600.....	2.01	2200.....	4.34
650.....	2.12	2300.....	4.44
700.....	2.24	2400.....	4.55
750.....	2.34	2500.....	4.64
800.....	2.43	2600.....	4.74
850.....	2.53	2700.....	4.84
900.....	2.62	2800.....	4.92
950.....	2.72	2900.....	5.02
1000.....	2.80	3000.....	5.10

*See Definition in Rule 100, Subsection 18.

TABLE 1 (Continued)

*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)
3100.....	5.18
3200.....	5.27
3300.....	5.36
3400.....	5.44
3500.....	5.52
3600.....	5.61
3700.....	5.69
3800.....	5.77
3900.....	5.85
4000.....	5.93
4100.....	6.01
4200.....	6.08
4300.....	6.15
4400.....	6.22
4500.....	6.30
4600.....	6.37
4700.....	6.45
4800.....	6.52
4900.....	6.60
5000.....	6.67
5500.....	7.03
6000.....	7.37
6500.....	7.71
7000.....	8.05
7500.....	8.39
8000.....	8.71
8500.....	9.03
9000.....	9.36
9500.....	9.67
10000.....	10.0
11000.....	10.63
12000.....	11.28
13000.....	11.89
14000.....	12.50
15000.....	13.13
16000.....	13.74
17000.....	14.36
18000.....	14.97
19000.....	15.58
20000.....	16.19
30000.....	22.22
40000.....	28.3
50000.....	34.3
60000.....	40.0
or more	

*See Definition in Rule 100, Subsection 18.

(50.0) RULE 114. GASEOUS CONTAMINANTS.

1. Sulfur Dioxide:

   a. A person shall not discharge from any single source whatsoever any Sulfur Compounds, calculated as sulfur dioxide, in excess of 0.2%, by volume.

   b. A person shall not discharge from any single source any Sulfur Compounds, calculated as sulfur dioxide, in excess of 200 pounds in any 60 minute period if said source was built, erected, installed, or expanded after the effective date of this Regulation 1.

   c. Scavenger Plants Exemption: Where a separate source of air pollution is a scavenger or recovery plant, recovering

pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a permit to operate where the total emission of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by this Subsection 1.

2. Sulfur Contents of Fuels: Where fossil fuels are required for combustion in any equipment subject to "Permit to Operate" Requirements of Rule 190, only gaseous fuels containing sulfur compounds not to exceed 50 grains per 100 cubic feet of gaseous fuel shall be burned.

   The provisions of this Subsection 2 shall not apply to any of the following:

   a. To the burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds;

   b. To the incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule;

   c. To the use of solid fuels in any metallurgical process;

   d. To the use of fuels where the gaseous products of combustion are used as raw materials for other processes;

   e. To the use of liquid or solid fuel to propel or test any vehicle aircraft, missile, locomotive, boat, or ship;

   f. To the use of liquid fuel having a sulfur content not in excess of 0.5% by weight whenever permitted gaseous fuel is not physically available to the user due to accident, act of God, act of war, act of the public enemy, or is unavailable from the supplier;

   g. To the burning of liquid fuel having a sulfur content in excess of 0.5% by weight which was in storage at the burning site on the effective date of this Regulation 1 or;

   h. Where the user can show that sulfur compounds are removed from stack gases to the extent that the emission of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a permitted gaseous fuel.

3. Reduced Sulfur Compounds: A person shall not discharge from any single source whatsoever any reduced sulfur compound measured as hydrogen sulfide that results in atmospheric content greater than 0.005 parts per million parts of atmosphere by volume discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.

4. Oxides of Nitrogen:

   a. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen in excess of 1000 parts per one million parts of gas by volume for the first 10,000 cubic feet of gas per hour and 250 parts per one million parts of gas by volume for all additional gas, measured as the average for any 60 minute period and corrected to 3% oxygen, on a wet basis.

   b. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen that result in an atmospheric concentration of Nitrogen Dioxide greater than 0.25 parts per million parts of atmosphere by volume, discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.

(51.9) RULE 115. COMBUSTION OPERATIONS.
(51.13)

1. Open Burning. No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the District;

   a. Except as listed in Subsection 3 of Rule 112.

   b. The burning of dry leaves, and dry tree prunings by occupants of one or two family dwellings, shall be permitted at designated times throughout the year, subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City Ordinance does not prohibit such burning. This is not an exception to either Subsection 1 or Subsection 2 of Rule 112.

2. Incinerator Burning: A person shall not burn any combustible refuse in any incinerator in any Urban Area as defined in Section 22.04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection 24a of Rule 100 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

RULE 116. ADDITIONAL PROHIBITIONS.

(7.0) 1. Equipment Testing, Firing & Cleaning:

Any containing device associated with industrial equipment required to be under permit prescribed in Rule 190 hereafter may not be tested or fired after construction or after periods of equipment lay off or cleaned by means of pressurized devices, without first obtaining approval from the Control Officer for said testing, firing or cleaning. Any person seeking said approval shall supply the Control Officer with information about the time required for testing, firing or cleaning; the method of testing, adjusting or cleaning; and an estimate of emissions resulting from said testing, firing or cleaning. The Control Officer may attach reasonable conditions to said approval.

(51.21) 2. Reduction of Animal Matter:

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article article, machine, equipment or other contrivance are;

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds; or

b. Processed in such a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Subsection 2 shall provide, properly install and maintain in calibration, in good working order and in operation, devices, as specified in the Authority to Construct of Permit to Operate or as specified by the Control Officer, for indicating temperature, pressure or other operating conditions.

The provisions of this Subsection 2 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(4.7) 3. Toxic Materials: A person shall not discharge from any single source whatsoever any toxic material that results in an atmospheric concentration-time combination, discernible at ground level at any point off the property upon which the source is located, greater than any of the following:

a. Any ambient Air Quality Standard adopted by the State Air Resources Board;

b. Any concentration-time combination found by adequate research to cause any of the following in sensitive groups of people: acute sickness or death; insidious or chronic disease; alteration of an important physiological funcion; or discomfort sufficient to lead individuals to change residence or place or employment;

c. Any concentration-time combination found by adequate research to cause any of the following in sensitive types of animals or crops: acute sickness or death; alteration of an important physiological function; acute damage leading to unmarketability; or insidious or chronic effects, leading to impaired yield; or

d. Any Threshold Limit Value concentration for an hour. The American Conference of Government Industrial Hygienists adopts and recommends Threshold Limit Values for occupational exposures for periods longer than one hour but for purposes of this Subsection 3 the Threshold Limit Values shall be considered to have been adopted for ambient air for a one hour period.

(51.16) 4. Oil-Effluent Water Separator: A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water containing 200 gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosine or other petroleum product of equal or greater volatility than kerosine, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

a. A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;

b. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;

c. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging

and sampling devices gas-tight except when gauging or sampling is taking place; or

d. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

This Subsection 4 shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil. For the purpose of this Subsection 4 "Kerosine" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56 will give a temperature of 401°F. or less at the 10 per cent point recovered.

(2.0) 5. Circumvention:

A person shall not build, erect install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Chapter 2 of Division 20, or of Chapter 3.5, Part 1, of Division 26 of the Health & Safety Code of the State of California of of this Regulation 1. This paragraph shall not apply to cases in which the only violation involved is of Section 24243 of Section 39077 of the Health & Safety Code of the State of California; or of Rule 111 of this Regulation 1.

A person shall not operate any article, machine, equipment or other contrivance, where a Permit to Operate has been issued, contrary to the standards set forth in this Regulation 1 or to terms and conditions presecribed by the Control Officer.

(51.13) RULE 117. AGRICULTURAL BURNING.

The provisions of this Rule, implement the Agricultural Burning Guidelines, promulgated under Article 1, Subchapter 2, Title 17, California Administrative Code.

1. No person shall set, permit, cause to be set, or suffer, allow, or maintain any open outdoor fire, to burn agricultural waste unless:

   a. He has a valid permit issued by a public fire protection or other agency designated by the Air Resources Board, and

   b. The burning is in compliance with all state laws or regulation, applicable fire code provisions, and the provision of this Rule.

2. The Air Pollution Control Officer shall maintain a list of agencies designated to issue agricultural burning permits.

3. The designated agencies shall issue agricultural burning permits for burning of agricultural waste only.

4. Agricultural burning shall be subject to the following conditions:

   a. Agricultural burning is permitted only on days designated as burn days by the State Air Resources Board, except as otherwise provided herein below. Such designations will be announced at 0745 daily, together with a prediction for the next 24 hours, and are based on meteorological measurements. A day may be designated as a no-burn day.

      The Air Pollution Control Officer may, by permit, authorize burning of agricultural waste on days designated as no-burn days, by the Air Resources Board, because denial of such permit would threaten imminent and substantial economic loss, as determined and certified by the Agricultural Commissioner.

      A person seeking an agricultural burning permit on a no-burn day shall apply for such a permit both to the Air Pollution Control Officer and the Agricultural Commissioner. The Agricultural Commissioner shall certify in writing that denial would threaten imminent and substantial economic loss. Written certification may follow verbal certification.

   b. Agricultural burning shall take place only on days permitted by public fire protection agencies for purposes of fire control or prevention.

   c. Agricultural wastes to be burned shall be free of waste not conforming to the definition in Rule 100, Subsection 19.a. The following materials are not considered agricultural waste: tires, rubbish, tar paper, plastic, construction debris, packaging materials, and waste foreign to land being cleared.

      Weeds, shrubs, and trees in pastures or crop production areas or in fences which are around pastures or crop production areas or on land being cleared for the growing of crops or animals are considered to be agricultural waste.

   d. Preparation of materials:

      The materials to be burned shall be arranged so as to burn with a minumum of smoke. For this purpose, materials shall be loosely stacked to allow maximum drying in preparation for

burning so as to provide good combustion.

The materials shall be free of dirt and soil to the extent that such dirt or soil will not hinder burning nor be carried into the air as particulate matter, and shall be reasonably free of visible surface moisture.

e. Drying Times:

The agricultural waste to be burned shall have been dried for the minimum periods listed below. These periods include the period from dying or cutting to the day of burning.

Six (6) weeks for trees and large branches;
Three (3) weeks for prunings and small branches;
Ten (10) days for wastes from field crops.

f. The Air Pollution Control Officer may restrict agricultural burning to selected numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural waste is not ignited at one time during adverse weather conditions. All agricultural burning permits will be issued with sequential numbers.

g. Time limits:

Agricultural burning may commence at any time after the announcement of a burn-day, by the Air Resources Board, but in no case shall it commence before sunrise. No additional waste material or ignition fuel shall be ignited or added to any fire after two hours before sunset.

h. Wind direction:

The wind direction at the burning site shall be such that the smoke will not cause a nuisance in a populated area.

i. Ignition devices:

The materials to be burned shall be ignited only by use of ignition devices approved by the Air Pollution Control Officer. Tires, tar paper, plastics, dirty oils, and similar materials shall not be used. Ignition devices must comply with the provisions of Rule 112.

5. Enforcement Procedures.

a. Designated fire protection agencies or the A.P.C.D. shall enforce the provisions of this Rule by not allowing agri-

cultural burning unless the person responsible for the burn has a valid agricultural burning permit.

b. When a violation is known to exist, is suspected, or for routine investigations, the procedures outlined on the Enforcement Flow Chart (Appendix A), will be followed.

c. Those fire protection agencies having the required authority shall issue a notice of violation or citation or shall order other corrective action when permit violation occurs.

d. Smoke complaints or other air pollution complaints not involving permit violations, or for any violation found by an agency not having authority to take enforcement action, shall be referred to the A.P.C.D. for investigation.

6. Exceptions. The following are exceptions to this Rule 117.

a. Burning of agricultural wastes at 4,000 feet or more above mean sea level.

b. Burning of agricultural waste at areas 2,000 feet or more above mean sea level, in that portion of the District located south of 35° 30'N latitude, east of 120° 7.5'W longitude, and north of 35° 00' latitude.

(51.1) RULE 119. ORCHARD OR CITRUS GROVE HEATERS.

1. No person shall use, after December 31, 1972, any orchard or citrus grove heater which has not been approved and included on a list of approved heaters by the State Air Resources Board. Such list of orchard or citrus grove heaters which are not or may in the future be approved by the State Air Resources Board are available from the Control Officer and are incorporated herein by reference as though here fully set forth.

(3.0) RULE 190. PERMITS.

Any person building, erecting, installing, altering, or replacing any equipment shall, as required by this Rule, first submit to the Control Officer an application for an Authority to Construct and/or Permit to Operate and two (2) copies of the plans for such construction. The application shall be accompanied by the filing fee prescribed in Rule 192. Open Burning (Rule 112, Subsection 3) applicants shall be exempt from plan requirements. Any person making application under Rule 112, Subsection 3, or Rule 116, Subsection 1, shall make that application on a form and in a manner designated by the Control Officer.

1. Authority to construct:

Any person, building, erecting, installing, altering, or replacing any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain an Authority to Construct for such construction from the Control Officer. The Authority to Construct must be complied with before a Permit to Operate will be issued. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

Each of the Following is a Separate Exception to the Requirement to Obtain an Authority to Construct:

a. Any existing equipment or equipment under construction on the date of adoption of this Regulation 1. This exception shall not apply to alterations nor to transfers of ownership or location made after the date of the adoption of this Regulation 1.

b. Vehicles as defined by the Vehicle Code of the State of California and aircraft.

c. Internal combustion engines.

d. Equipment used exclusively for space heating or air conditioning, other than boilers.

e. Equipment used to store or prepare food which is intended solely for human consumption within 24 hours.

f. All agricultural equipment, except orchard or citrus grove heaters.

g. Orchard or Citrus Grove Heaters, provided that this exception shall be void and of no force and effect on and after January 1, 1973.

h. Self-propelled construction equipment, other than pavement burners, used in grading, leveling, paving, or other similar operations.

i. Any other equipment exempted on a supplemental list approved by the Board.

2. Permit to Operate: Before any article, machine, equipment or other contrivance described in Rule 190, Subsection 1 may be operated or used, for other than test purposes, a written Permit to Operate shall be obtained from the Control Officer. No Permit to Operate shall be granted either by the Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 190, Subsection 1, constructed or installed without authorization as required thereby, until the information required is presented to the Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in this Regulation 1.

   Upon written notice by the Control Officer, a person operating equipment subject to permit approval existing or under construction at the time of adoption of this Regulation 1 shall apply for a Permit to Operate within seven (7) calendar days of said notice. If compliance is required, a reasonable time shall be prescribed by the Hearing Board in accordance with Rule 101.

   Upon written notice by the Control Officer, a person operating orchard or citrus grove heaters existing or under construction as of January 1, 1973, shall apply for a Permit to Operate within seven (7) calendar days of said notice.

   The exceptions listed in Subsection 1 of this Rule are also exceptions to the requirement to obtain a Permit to Operate.

3. Application Processing:

   a. Conditional Approval: The Control Officer may issue an Authority to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of this Regulation 1, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct or operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of this Regulation under the revised conditions.

   b. Compensating for Variability: In processing applications, including the setting of conditions, the Control Officer may take notice of the effects that variations in materials, construction, operation and maintenance have on emissions and, to compensate for such effects, may require that any

article, machine, equipment or other contrivance be capable of meeting limits stricter than those in Rules 110 through 116, inclusive.

c. Applications & Information: Every application for a Permit as required by this Regulation 1 shall be filed in the manner prescribed in Rule 190.

The Control Officer may at any time require from an applicant for, or holder of, any Permit provided for by this Regulation 1, such information, analyses, plans, or specifications as will disclose the nature, concentration or quantity of air contaminants which are or may be discharged by such source, or such additional information as he may deem necessary before passing on any application.

The Control Officer may at any time also require from an applicant for, or holder of, any Permit provided for by Regulation 1, such information and analyses as will disclose the extent and degree of contamination that such source causes, or may cause, in the ambient atmosphere.

d. Time Limit: Within thirty (30) days after receipt of application for a Permit, or within thirty (30) days after applicant furnishes the further information, plans and specifications requested by the Control Officer, whichever is later, the Control Officer shall give the applicant written notice of his approval, conditional approval, or denial, provided that said time may, for good cause, be extended for a reasonable period of time by order of the Hearing Board. Any application not acted upon within the time limit set forth above, or within any extension of time granted by the Hearing Board, shall be deemed approved and the Permit applied for shall be issued.

e. Action of Applications: The Control Officer shall act on an application for a Permit within the time provided in Subsection 3d of this Rule 190 and shall notify the applicant in writing of his approval, conditional approval, or denial.

f. Cancellation of Applications: An Authority to Construct shall expire and the application shall be cancelled one year from the date of issuance of the Authority to Construct, if unused. An application for Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application if unused.

g. Denial of Application; In the event of denial of a Permit, the Control Officer shall notify the applicant in writing of the reasons therefor. Service of such notification may be made in person or by mail, and such service may be proved by the written ackowledgement of the person served, or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has corrected the deficiencies specified by the Control Officer as his reasons for denial of the Permit.

h. Appeals: Within ten (10) days after service of notice of denial of an Authority to construct by the Control Officer, the applicant may petition the Hearing Board, in writing, for a public hearing.

The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Control Officer; such order may be made subject to specified conditions.

4. Designation of Person for Service; Each application for an authority to construct or a Permit shall include the name and address of a person within the District whom applicant has empowered to accept service on behalf of the applicant for all purposes where service of notice is required by Regulation 1. In the event said applicant fails to indicate a person for such service, or in the event the person designated in the application is not available for service after three (3) attempts to make service upon said person, then service by publication one time in a newspaper of general circulation, together with mailing of notice by certified mail to the last known address of the applicant shall be made, and shall constitute due service of such notice.

5. Sampling & Testing Facilities: Before a Permit is granted, and as a condition precedent to such Permit, the Control Officer may require the applicant to provide and maintain such facilities as are necessary to enable the Control Officer to have access for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the Permit.

The Control Officer may at any time also require from an applicant for, or holder of, any Permit provided for by Regulation 1, such information and analyses as will disclose the extent and degree of contamination that such source causes, or may cause, in the ambient atmosphere. In the event of a requirement for facilities as indicated above in this Subsection 5, the Control

Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platforms and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

The Permittee shall allow the Control Officer to install and maintain District sampling and testing facilities on the Permittee's property when specified by the Permit.

6. Display of Permit: A person who has been granted a Permit under this Rule 190 shall firmly affix such a Permit upon the equipment is such a manner as to be clearly visible and accessible, unless the Permit cannot be so placed.

   In the event that the equipment is so constructed or operated that the Permit cannot be placed as above, the Permit shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or in a location approved by the Control Officer.

   a. Alteration of Permit: A person shall not wilfully deface, alter, forge, counterfeit or falsify a Permit.

   b. Duplicate Permits: A request for a duplicate Permit shall be made in writing to the Control Officer within ten (10) days after the loss or destruction of a Permit. The application for a duplicate Permit shall be accompanied by the fee listed in Rule 192.

   c. Transfer: A Permit is not transferable, from one location to another, or from one unit of equipment to another.

      A Permit may be transferred from one person to another when control of the equipment, operation or property is transferred and the transfer fee provided by Rule 192 is paid.

7. Compliance with Regulation 1:

   a. No Permit shall be granted by the Control Officer until the equipment is made to conform without emitting air contaminants in violation of Sections 24242, 24243, or 24251(b) of the Health & Safety Code, or any State or Federal Statute or regulation, or of the provisions set forth in this Regulation 1.

   b. Nothing in Regulation 1 shall be construed to be a limitation upon the type of design or equipment (except multiple chamber

incinerators) to be used by the applicant, provided said equipment conforms, or the applicant shows that it may be expected to conform with the standards set forth in this Regulation 1 and with said Sections 24242, 24243, and 24251(b) or the Health & Safety Code, and with all applicable State and Federal statutes and regulations.

c. The issuance or granting of a Permit or approval of plans and specifications shall not be construed to be a Permit for, or an approval of, any violation of any of the provisions of this Regulation 1, of said Sections 24242, 24243, or 24251(b), or of any State or Federal statute or regulation. No Permit presuming to give authority to violate or cancel any provision of this Regulation 1 or of said Sections 24242, 24243, or 24251(b), or of any State of Federal statute or regulation, shall be valid, except insofar as the work or use which it authorizes is lawful and in accordance with this Regulation 1 and said Sections 24242, 24243, or 24251(b), and all applicable State and Federal statutes and regulations.

d. The issuance of a Permit based on plans and specifications shall not prevent the Control Officer from thereafter requiring the correcting of errors in said plans and specifications or from preventing operations carried on thereunder when in violation of this Regulation 1 or of any other Ordinance of any Public jurisdiction within the District or of any State or Federal statute or regulation.

e. Suspension or Revocation: The Control Officer may, in writing, suspend or revoke an Authority to Construct or a Permit issued under previsions of this Regulation 1 whenever the Authority to Construct or the Permit is issued in error or on the basis of incorrect information supplied, or in violation of any Ordinance or Regulation or in violation of any of the provisions of this Regulation 1, or in violation of any state or Federal statute or regulation.

(2.0) RULE 191. ACTION IN AREAS OF HIGH CONCENTRATIONS:

If the Control Officer discovers ambient air concentrations in excess of half the limits of Rule 114, Subsection 3; 114, Subsection 4; or 116, Subsection 3 and if the control Officer is unable to establish that non-compliance with this Regulation 1 is responsible for such concentrations, then the Control Officer may take any or all of the following actions within a reasonable distance from the site(s) of such concentrations:

1. Suspend any exception under Rule 190, Subsection 1 for any new source or for any source that is expanding that could increase such concentrations.

2. Refuse to issue an Authority to Construct or a Permit to Operate to any new source or to any source that is expanding that could increase such concentrations.

3. Take appropriate action to stop construction or expansion of any source that could increase such concentrations.

(3.0) RULE 192. APPLICATION FEES:

1. Every applicant, except any State or Local Government Agency or Public District, for an Authorization to Construct or a Permit which is required by the State or the Provisions of this Regulation 1 shall submit with his application the filing fee as prescribed in Table II.

2. Upon approval, the applicant shall pay the fee for the issuance of a Permit to Operate in the amount prescribed in Table II. The filing fee shall not be applied to the fee prescribed for the issuance of the Permit to Operate.

3. The fees prescribed in Table II shall be paid also upon submission of the application for Non-Agricultural Open Burning Permit.

4. Where an application is filed involving an alteration, an addition, a transfer of ownership, a transfer of location, or a combination thereof, the following provisions will apply:

   a. If the equipment had not been previously granted a Permit to Operate, the full fees in Table II shall apply;

   b. If the equipment had been previously granted a Permit to Operate and no alteration or addition is involved, the applicant shall pay only the permit transfer fees in Table II; or

   c. If the equipment had been previously granted a Permit to Operate and an alteration or addition is involved, the filing fee and the Permit fee will be based on any increase in rating (horsepower, fuel consumption, electrical energy, horizontal inside cross sectional area, or stationary container capacity, whichever yields the higher fee) or, if there is no increase in rating, the fee will be a filing fee of $10.

5. After compliance with the provisions for granting Permits as set forth in Chapter 2, Divison 20 of the Health & Safety Code of the State of California, and the provisions of this Regulation 1, the applicant shall be notified by the Control Officer, in writing, of the fee balance to be paid for issuance of the Permit. Such notice may be given by personal service or by mail and shall serve as a temporary Permit for thirty (30) days from the date of personal service or mailing.

6. Non-payment of the fee within the period of time granted for a Temporary Permit by Subsection 5 above of this Rule 192 shall result in the automatic cancellation of the application.

7. In the event that more than one fee schedule is applicable to a Permit, the governing schedule shall be the higher fee.

8. In the event that Permit is granted by the Hearing Board after denial by the Control Officer, the applicant shall pay the fee prescribed in Table II, within thirty (30) days after the date of service of notice of the decision of the Hearing Board. Non-payment of the fee within this period of time shall result in automatic cancellation of the Permit.

(16.0) RULE 193. HEARING BOARD FEES.

1. Every applicant or petitioner for a Variance or for the extension, revocation or modification of a Variance, or for an appeal from a denial of a Permit, or any person intervening in any of these preceedings shall pay to the Clerk of the Hearing Board a filing fee as determined in Table II.

2. In addition to fee and deposit provided for in Subsection 1 above of this Rule 193, any person requesting a transcript of the hearing shall pay the cost of such transcript.

3. This Rule shall not apply to any State or Local Governmental Agency or Public District or the United States.

(13.0) RULE 194. TECHNICAL REPORTS - CHARGES FOR:

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be paid into the District treasury.

(2.0) RULE 195. FEE SCHEDULE.

TABLE II

Under the provisions of Section 24267, it is hereby determined that the cost of issuing Permits, and inspections pertaining to such issuance exceeds the fees prescribed in the following schedules, and the fees shall be as set forth herein:

1. Filing Fees:

   Non-Agricultural (other than testing, firing, & cleaning)
   ½ Permit to Operate Fee

   Non-Agricultural testing, firing & cleaning.....No Fee

   Agricultural Burning.....No Fee

   Filing Fees in excess of $10.00 may be waived by the Control Officer when a licensed mechanical or chemical engineer certifies in writing that the equipment and devices used by the Permittee will function in conformity with these Rules.

2. Duplicate Permits..... $ 2.00

3. Permit Transfer Fees:
   Singly, or first in series..... 10.00
   Each additional Permit in series..... 5.00

4. Open Burning Fees:
   Under 10 acres..... $ 3.50
   10 to 20 acres..... 7.00
   Over 20 acres..... 10.00

5. Original or Supplemental Orchard or Citrus Grove Heater Fees:

   Oil Burning Heaters, per heater..... $ 0.02
   Solid Fuel Blocks or Solid Fuel Heaters, per acre..... 0.50
   Maximum for Acreage and Heater Fees Combined..... 35.00

6. Permit to Operate

FEE	HP	1000 BTU	KVA	SQ. FEET	GALLONS
$ 20	0 - 2½	0 - 150	0 - 20	0 - 3	0 - 4,000 Misc.
30					4,000+ to 10,000 -
60	2½+ to 5-	150+ to 400-	20+ to 40-	3+ to 4-	10,000 to 40,000-
130	5 to 15-	400 to 650-	40 to 145	4 to 7-	40,000 to 100,000-
190	15 to 45	650 to 1500-	145 to 450-	7 to 10-	100,000 to 400,000-
260	45 to 65	1500 to 2500-	450 to 4500-	10 to 15-	400,000 to 1,000,000-
330	65 to 125-	2500 to 5000-	4500 to 14500-	15 to 23-	1,000,000 to 4,000,000-
390	125 to 200-	5000 to 15000-	14500 to 45000-	23 to 40-	4,000,000 or more
530	200 or more	15000 or more	4500 or more	40 or more	

LEGEND:

HP - Total rated horsepower of all electric motors.
1000 BTU - Thousands of British Thermal Units per hour, using gross heating values of fuel.
KVA - Total kilovolt ampere ratings of electrical energy, except electric motors.
SQ. FEET - Maximum inside cross sectional area of primary combustion chamber.
GALLONS - Capacity in gallons or cubic equivalent.
MISC. - Any article, machine, equipment or contrivance not in other schedules.

7. Hearing Board Fees:

Under the provisions of Section 24293, it is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20 of the Health & Safety Code exceeds the fees prescribed in the following schedules, and the fees shall be as set forth herein:

a. Variance, extension, revocation or modification of a Variance; appeal from denial, suspension, revocation, or conditionally granting of an Authority to Construct or a Permit; or any person intervening in any of the above proceedings - $35.00.

b. The party requesting a Court Reporter shall pay all expenses for this service.

c. Cost of transcript of hearing by Court Reporter shall be borne by the party requesting said transcript.

d. Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District: COST of preparation and distribution.

(16.0) RULE 196. PROCEDURE BEFORE THE HEARING BOARD.

This Rule shall apply to all hearings before the Hearing Board of the San Luis Obispo County Air Pollution Control District.

1. Filing Petitions: Request for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board after service of one copy of the petition has been made on the Control Officer, and after service of one copy on the holder of the Variance if any. Service may be made in person or by certified mail, and service may be proved by written ackowledgement of the person served or by the affidavit of the person making the service. The petition shall be accompanied by a filing fee in the amount prescribed in Table II of this Regulation.

The Control Officer may file a petition to request the Hearing Board to hold a public hearing to determine whether an Authority to Construct, a Permit, or a Variance should be revoked.

No fee shall be required for the filing of a petition by a Public Agency or by a Public Officer acting in the scope of his official capacity.

2. Contents of Petitions: Every petitioner shall state:

   a. The name, address and telephone number of the petitioner or other person authorized to receive service of notices.

   b. Whether the petitioner is an individual, co-partnership, corporation, or other entity, and names and addresses of the managing officers, if a corporation, and the names and addresses of the persons in control, if other entity.

   c. The type of business of activity involved in the application and the street address at which it is conducted.

   d. A brief description of the article, machine, equipment or other contrivance, if any involved in the application.

   e. Whether the petitioner desires a hearing:

      (1) to determine whether an Authority to Construct or a Permit shall be revoked or suspended Authority to Construct or Permit reinstated;

      (2) for a Variance under Section 24292, Health & Safety Code;

      (3) to revoke or modify a Variance under Section 24298, Health & Safety Code; or

      (4) to review the denial, suspension, revocation, or conditional granting of an Authority to Construct or a Permit.

   f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall be set forth his authority to sign.

   g. All petitions shall be typewritten, double spaced, on legal size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

3. Petitions for Variances: In addition to the matters required in Subsection 2 of this Rule 196, petitions for Variance shall state briefly:

   a. The Subsection, Rule or Order complained of.

   b. The facts showing why compliance with the Subsection, Rule or Order is unreasonable.

c. For what period of time the Variance is sought and why.

d. The damage or harm resulting or which would result to petitioner from a compliance with such Subsection, Rule or Order.

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f. The advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from a Variance.

g. Whether or not operations under such Variance, if granted, would constitute a nuisance.

h. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i. Whether or not the subject equipment or process is covered by a Permit to Operate issued by the Control Officer.

4. Failure to Comply with Rule: The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with this Regulation 1 relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at the meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

5. Answers: Any person may file an answer within 10 days after service, All answers shall be served in the same manner as petitions under Subsection 1 or this Rule 196.

6. Dismissal of Petition: The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

7. Place of Hearing: All hearings shall be held at the place designated by the Hearing Board.

8. Notice of Hearing: The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Control

Officer, the holder of the Authority to Construct, the Permit or Variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, 24299 or 24300, Health & Safety Code, State of California.

9. Evidence:

   a. Oral evidence shall be taken only on oath or affirmation.

   b. Each party shall have these rights: to be represented by counsel at such hearings; to subpoena and examine witnesses; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; to present such affidavits, exhibits, and other evidence as the Hearing Board deems pertinent to the hearing; to rebut the evidence against him; and to argue his case. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

   c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official and judicial notice shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

10. Record of Proceedings: A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods.

    a. A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

    b. Any interested person, including the District, may at his own cost provide a certified court Reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The original and one copy of such summary or of such transcript, each certified to by said person or by the Reporter as to its accuracy, shall be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Board prior to that time. No matter shall be deemed submitted under this Rule until such summary or such transcript has been filed with the Hearing Board unless otherwise ordered by the Hearing Board.

11. Preliminary Matters: Preliminary matters, including but not limited to setting a date for hearing, granting continuances, approving petitions for filing, and allowing amendments to petitions, which are not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without prior notice.

12. Official Notice: The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

13. Continuances: The Chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, which has been concurred in by petitioner, the Control Officer and by every person who has filed an answer in the action, and the Chairman or any two members of the Hearing Board may grant any reasonable continuance at any time; in either case such action may be taken without a hearing or meeting of the Hearing Board and without prior notice.

14. Decision: The decision of the Hearing Board shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed by certified mail or delivered to the Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

15. Effective Date of Decision: The decision shall become effective 15 days after delivering or mailing a copy of the decision as provided in Rule 196, Subsection 14 or the Hearing Board may order that the decision shall become effective sooner.

(2.0) RULE 199. GENERAL PROVISIONS.

1. Liability of District and District Officers: The Control Officer or any employee charged with the enforcement of this Regulation 1, acting in good faith and without malice for the District in the

discharge of his duties, shall not thereby render the District or himself liable personally, and they are hereby relieved from any and all personal liability for any and all damage of any type or kind that may accrue to persons or property as a result of any act required by this Regulation 1 or by State Statute of by reason of any act or omission in the discharge of their duties pursuant to this Regulation 1 or State Statute.

2. Severability: If any provision, clause, sentence, paragraph, section or part of this Regulation or application thereof to any person or circumstance shall for any reason by adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Air Pollution Control Board that this Regulation would have been adopted in any case had such invalid provision not been included.

3. Enforcement: Any person who intentionally violates any of the provisions of this Regulation 1 shall be subject to the provisions of Section 836.5 of the Penal Code regarding arrests; Chapter 2, Division 20, of the Health and Safety Code, and Chapter 6, Part 1, Division 26, or the Health and Safety Code providing for maximum penalties and recovery procedures. Any violation of the provisions of this Regulation 1 regarding agricultural burning will be subject to the enforcement provisions of Section 39298.8, Chapter 10, Park 1, Division 26, or the Health and Safety Code.

   Pursuant to said Code sections, civil penalties for violations of Orders to Abate shall not exceed $6,000 for each day of the violation; civil penalties levied for intentional or negligent violations of any of the provisions of this Regulation 1 or of any State Statute, shall not exceed $500 for each day of the violation; and criminal penalties levied for violations of any of the provisions of this Regulation 1 or of any State Statute shall not exceed $500, or 6 months in the County Jail, or both for each day of the violation.

   Any violation of any provision of this Regulation 1 or of any State Statute or regulation may be enjoined in a civil action brought in the name of the people of the State of California.

4. Abatement: The Hearing Board may, pursuant to Health and Safety Code Section 24260.5, issue an Order for Abatement.

(51.13) APPENDIX A

IMPLEMENTATION PLAN FOR AGRICULTURAL BURNING GUIDELINES

The plan consists of the following parts:

I. Proposed Rules and Regulation

A. Amendments to Rules 100, Subsection 19; and 112, Subsection 3.c.

B. New Rule 117.

C. New Appendix A.

II. Agricultural Burning Permit

A. Form of the permit

1. Fire protection agencies will use their present permit forms.

2. The A.P.C.D. will provide an "Attachment to Fire Permit-Agricultural Burning", consisting of a questionnaire and brief instruction sheet and excerpts of the A.P.C.D. Rules and Regulations covering agricultural burning.

3. Agricultural burning permits issued by fire protection agencies shall be assigned sequential numbers, and include a statement such as "The Attachment to Fire Permit-Agricultural Burning; dated_____19___, is made a part of this permit."

4. The applicant shall complete and sign the attachment to the Fire Permit. A copy of the signed attachment will be returned to the A.P.C.D. by the issuing agency.

5. It is recommended that all permits be written to expire 30 days after date of issuance.

III. Form of imformation to be provided to issuing agencies.

A. AB 16 (1970) dated January 6, 1970, including Chapter 10, Part 1 of Division 26 of the Health and Safety Code

B. Agricultural Burning Guidelines, adopted by the Air Resources Board in Title 17, Subchapter 2, Article 1, California Administrative Code

C. Rules and Regulations, San Luis Obispo County Air Pollution Control District

D. Enforcement flow chart

E. Instructions and policy matters to be issued as needed

ATTACHMENT TO FIRE PERMIT

AGRICULTURAL BURNING

SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

2191 JOHNSON AVENUE P.O.BOX 1489 SAN LUIS OBISPO, CALIFORNIA (805)543-1200

This "ATTACHMENT TO FIRE PERMIT - AGRICULTURAL BURNING" is made a part of "FIRE PERMIT" or "PERMIT TO BURN" No._____, Dated_____

This Fire Permit expires on _____

Name_____ Date_____

Address_____ Phone_____

Location of burn site_____

_____ Sec. T R

Distance to nearest residential area_____

Type of material_____

Amount of material_____

Reason for burning_____

Date (s) of proposed burning_____

CONDITIONS:

1. This permit is valid only on a Burn Day designated by the State Air Resources Board. Burning on a No-Burn Day is by special permit only.

2. Only wastes produced wholly from and directly related to the growing of crops or animals may be burned. Tires, trash, packaging materials, or waste from non-growing areas are not included.

3. The waste shall be loosely stacked, dried for minimum drying times and free of dirt, and visible surface moisture.

4. This permit may be revoked or suspended for fire prevention reasons; during adverse weather conditions, even if the day is a burn day, or for violation of any terms, conditions, or applicable laws or regulations. Check with the permit issuing agency or the A.P.C.D.

5. Comply with time limits as stated in the A.P.C.D. rules and regulations.

6. The smoke shall not cause a nuisance in populated areas.

7. Only approved ignition devices may be used.

8. This permit is valid only on the burn site named above, and must be available for inspection at the burn site.

Any person who violates the provisions of the rules and regulations is guilty of a misdemeanor which is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire.

It is understood that permission to burn agricultural waste does not excuse the Permittee from liability in the event the fire creates a nuisance or hazard.

I understand the contents of this permit and agree to comply with the conditions.

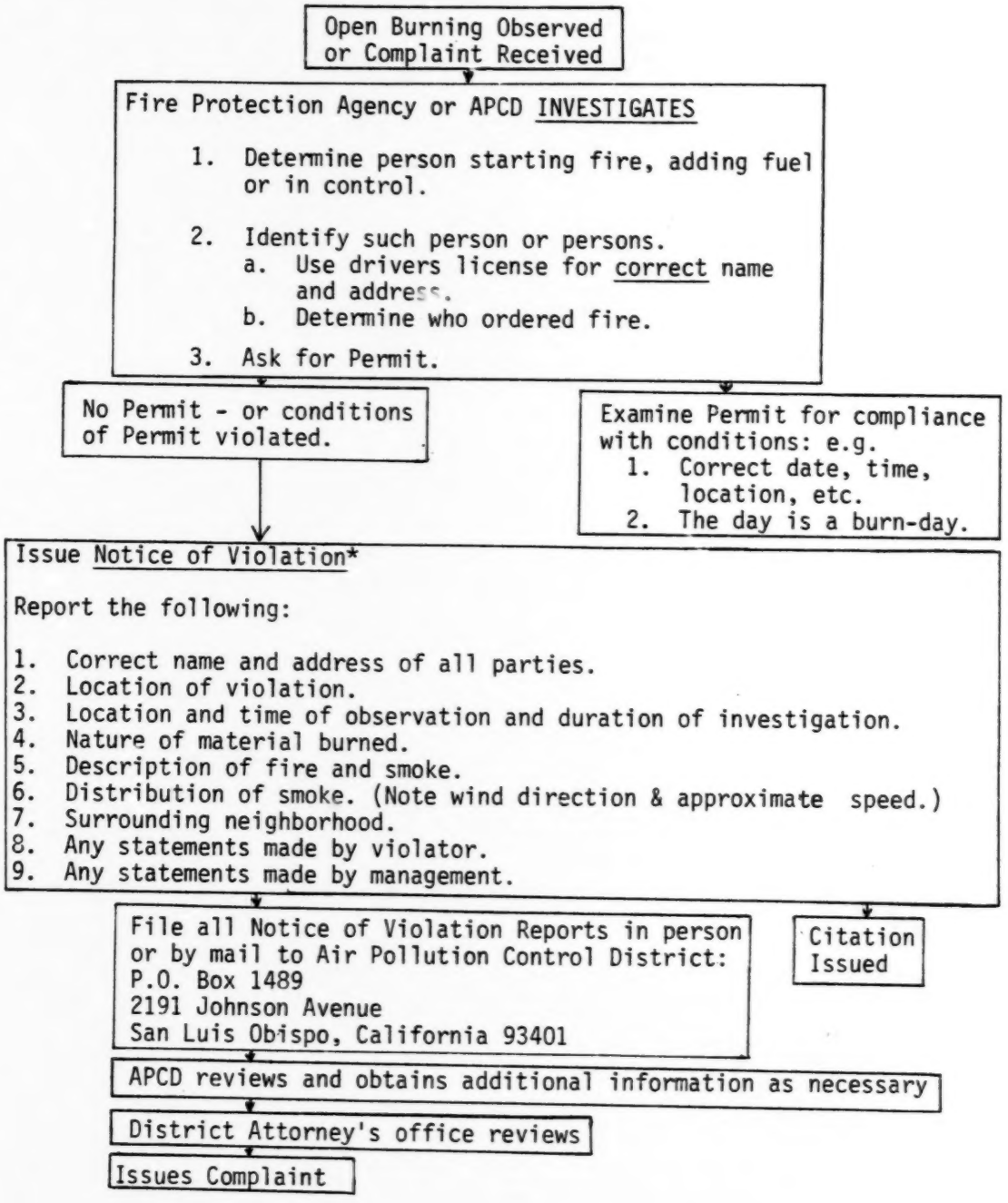
Signature of Permittee:_____Title_____

Permit issued by:_____Date_____

AIR POLLUTION CONTROL DISTRICT

SAN LUIS OBISPO COUNTY
AGRICULTURAL BURNING ENFORCEMENT

FLOW CHART


Open Burning Observed or Complaint Received
Fire Protection Agency or APCD INVESTIGATES
1. Determine person starting fire, adding fuel or in control.
2. Identify such person or persons.
a. Use drivers license for correct name and address.
b. Determine who ordered fire.
3. Ask for Permit.
No Permit - or conditions of Permit violated.
Examine Permit for compliance with conditions: e.g.
1. Correct date, time, location, etc.
2. The day is a burn-day.
Issue Notice of Violation*
Report the following:
1. Correct name and address of all parties.
2. Location of violation.
3. Location and time of observation and duration of investigation.
4. Nature of material burned.
5. Description of fire and smoke.
6. Distribution of smoke. (Note wind direction & approximate speed.)
7. Surrounding neighborhood.
8. Any statements made by violator.
9. Any statements made by management.
File all Notice of Violation Reports in person or by mail to Air Pollution Control District:
P.O. Box 1489
2191 Johnson Avenue
San Luis Obispo, California 93401
Citation Issued
APCD reviews and obtains additional information as necessary
District Attorney's office reviews
Issues Complaint